

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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5 SEAN KENNEDY, *et al.*,

6 Plaintiffs,

7 vs.

8 LAS VEGAS SANDS CORP., *et al.*,

9 Defendants.

2:17-cv-00880-JCM-VCF

ORDER

EMERGENCY MOTION FOR PROTECTIVE ORDER
[ECF No. 95]

11 Before the Court is Defendants Sands Aviation, LLC and Las Vegas Sands Corp.'s Emergency
12 Motion for Protective Order, Alternatively to Quash, Plaintiffs' Subpoena Issued to Non-Party The
13 VanAllen Group, Inc. (ECF No. 95). Defendants seek resolution of a subpoena duces tecum with a
14 response date of June 27, 2018. (*Id.* at 2).

15 Emergency motions must deal with "factual issues or legal questions that require a more urgent
16 timeline than would apply in the ordinary course of motion practice." *United Nat. Ins. Co. v. Assurance*
17 *Co. of Am.*, No. 2:10-CV-01086-JAD, 2014 WL 4960915, at *1 (D. Nev. June 4, 2014). In this case,
18 Defendants' motion can be briefed in the ordinary course. The non-party affected by the subpoena duces
19 tecum served objections on Plaintiffs. (ECF No. 95-12). Under Federal Rule of Civil Procedure 45(d)(2),
20 once objections have been made, the acts specified by the subpoena "may be required only as directed in
21 the [Court's] order." The Court¹ has not yet issued an order compelling compliance with the subpoena
22 duces tecum.

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25 ¹ It appears that this Court will be ruling on the issue, rather than the Northern District of Georgia. (ECF No. 95 at 8; ECF No. 95-12).


1 The Court recently directed the parties to submit an amended proposed discovery plan and
2 scheduling order to adjust the discovery deadline and other dates in this case. (ECF No. 92). The parties
3 can take the time needed to resolve the subpoena duces tecum dispute into account in their amended
4 proposed discovery plan and scheduling order.

5 Good cause appearing,

6 IT IS ORDERED that Defendants' Emergency Motion for Protective Order, Alternatively to
7 Quash, Plaintiffs' Subpoena Issued to Non-Party The VanAllen Group, Inc. (ECF No. 95) will be briefed
8 in the ordinary course.

9 IT IS FURTHER ORDERED that compliance with Plaintiffs' subpoena duces tecum is stayed
10 pending resolution of Defendant's motion.

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12 DATED this 25th day of June, 2018.



13 CAM FERENBACH
14 UNITED STATES MAGISTRATE JUDGE
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